

MAY 19 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 01-1633-A)

In re Application of:)	
)	
Storhoff, et al.)	
)	Examiner Jezia Riley
Serial No. 10/612,422)	
)	Group Art Unit: 1637
Filed: July 2, 2003)	
)	Confirmation No. 6581
For: Nanoparticle Polyanion Conjugates and)	
Methods of Use Thereof in Detecting)	
Analytes)	

RESPONSE TO OFFICE ACTION DATED MARCH 20, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir/Madam:

This is in response to the Office action dated March 20, 2006 which included a restriction requirement. The Examiner requested that the Applicants make an election among the inventions of Groups I- IV as well as a species election of recognition probe, L moiety and Z moiety. The Applicants provisionally elect (a) the invention of Group II (claims 10-18 and 43-50); (b) protein as the species of recognition probe; (c) cyclic disulfide as the species of L moiety; and (d) polyethylene glycol structure shown in Scheme 2 as the species of Z moiety for prosecution purposes with traverse.

Upon further review of this request, however, it is believed to be improper and withdrawal is requested. That is, according to M.P.E.P. 803, a restriction should never be required unless an examination of all the claims in a single application would be a serious burden on the Examiner. That is true even if the restriction is otherwise proper. Here, claim 10 recites dependency from claim 1 and therefore the inventions of Groups I and II are linked.

Though the classes/subclasses of Groups I and II differ, the Examiner will need to search for the subject matter of both groups. Thus, at the very least, the Applicants respectfully request that the restriction between the claims of Group I and II be withdrawn and that claims 1- 18 and 43-56 be examined in this application.

Furthermore, the searches involved for the subject matter of Group III (claims 19-32) and Group IV (claims 33-42) have the same class 435 and subclasses 4, 5, and 6. Therefore, the Applicants do not believe that a search of the same class/subclass for the claims of Groups III and IV would be a serious burden to the Examiner. The Applicants respectfully urge the Examiner to withdraw the restriction between the claims of Group III and IV.

Prompt consideration and entry of this amendment is respectfully requested. The Examiner is requested to contact the undersigned representative if the Examiner believes this would be helpful in expediting the prosecution of this application.

Respectfully submitted,

Dated: May 19, 2006



Emily Miao
Registration No. 35,285

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, Illinois 60606
Telephone: (312) 913-0001
Facsimile: (312) 913-0002